

REMARKS

In the office action mailed from the United States Patent and Trademark Office July 31, 2006 claims 1-3 were rejected under 35 U.S.C. § 103 as being unpatentable over Bain (1999) in view of Moniz (US 5,288,491) or Bain (1999) in view of Gagnon (1997).

5 Applicant respectfully submits that the claims set as presently amended is not anticipated by the cited art.

Applicant respectfully submits that the art cited in the pending action fails to teach or fairly suggest all of the claim limitations of the present invention. Independent claim 1 has been amended to recite the limitation “administering at least one ounce of a
10 composition in the mammal on an empty stomach comprising Non-Morinda Citrifolia based fruit juice present in an amount between about 0.1 and 30 percent by weight and Morinda citrfoia fruit juice present in an amount between about 70 and 99.9 percent by weight.

Bain discloses the consumption of Morinda Citrifolia juice product. Moniz
15 discusses the qualities of Morinda Citrifolia juice. Gagnon discloses the consumption of herbal products on an empty stomach. However, the combination of art cited fails to disclose the ranges specified in the amended independent claim of the present invention. Because Bain in view of Moniz or Gagnon fails to teach or fairly suggest all the claim limitations of the present invention, the cited art fails to anticipate or render obvious the
20 claims of the present application. Accordingly, the Applicant respectfully requests that the § 103 rejection be withdrawn at this time.


CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are neither anticipated nor rendered obvious by the prior art reference cited by the Examiner. As such, Applicant
5 believes that the claims are now in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

10 DATED this 30 day of October, 2006.

Respectfully submitted,

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